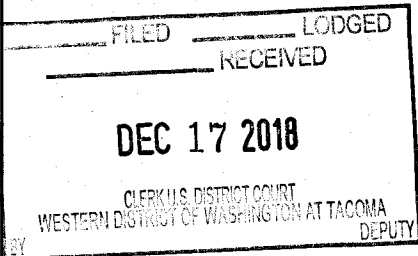


The Hon. Benjamin H. Settle



UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC CHRISTENSEN,

Defendant.

NO. CR18-5411-BHS

PLEA AGREEMENT

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Stephen Hobbs, Assistant United States Attorney for said District, and the Defendant, Eric Christensen, and his attorney, Phil Brennan, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c):

**1. The Charges.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters his plea of guilty to the following charges contained in the Indictment:

Count 1: *Possession of Methamphetamine with Intent to Distribute*, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 2: *Possession of Heroin with Intent to Distribute*, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

By entering these pleas of guilty, Defendant hereby waives all objections to the form of the charging document. Defendant further understands that before entering pleas of guilty, he will be placed under oath. Any statement given by Defendant under oath may be used by the United States in a prosecution for perjury or false statement.

**2. Elements of the Offenses.** The elements of the charged offenses are as follows:

*Possession of Methamphetamine with Intent to Distribute:*

- a. The Defendant knowingly and intentionally possessed ~~heroin~~ <sup>methamphetamine</sup>, a controlled substance;
- b. The Defendant intended to distribute ~~heroin~~ <sup>methamphetamine</sup> to others; and
- c. The offense involved 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

*Possession of Heroin with Intent to Distribute:*

- a. The Defendant knowingly and intentionally possessed ~~cocaine~~ <sup>heroin</sup>, a controlled substance;
- b. The Defendant intended to distribute ~~cocaine~~ <sup>heroin</sup> to others; and
- c. The offense involved 100 hundred grams or more of a mixture or substance containing a detectable amount of heroin.

**3. Penalties.** Defendant understands that the statutory penalties for the crimes to which he is pleading guilty are as follows:

*Possession of Methamphetamine with Intent to Distribute:* Imprisonment for up to forty (40) years, with a mandatory minimum term of five (5) years), a fine of up to five million dollars (\$5,000,000), a period of supervision following release from prison of at least four (4) years, and a special assessment of one hundred dollars (\$100).

*Possession of Heroin with Intent to Distribute:* Imprisonment for up to forty (40) years, with a mandatory minimum term of five (5) years), a fine of up to five million dollars (\$5,000,000), a period of supervision following release from prison of at least four (4) years, and a special assessment of one hundred dollars (\$100).

E.C.  
SPH  
PB  
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PB

E.C.  
SPH  
PB  
E.C.  
SPH  
PB

1 Defendant understands that supervised release is a period of time following  
2 imprisonment during which he will be subject to certain restrictions and requirements.  
3 Defendant further understands that if supervised release is imposed and he violates one or  
4 more of its conditions, he could be returned to prison for all or part of the term of  
5 supervised release that was originally imposed. This could result in Defendant's serving  
6 a total term of imprisonment greater than the statutory maximum stated above.

7 Defendant understands that in addition to any term of imprisonment or fine  
8 imposed, the Court may order him to pay restitution to any victim of the offense, as  
9 required by law.

10 Defendant agrees that any monetary penalty the Court imposes, including the  
11 special assessment, fine, costs, or restitution, is due and payable immediately and further  
12 agrees to submit a completed Financial Statement of Debtor form as requested by the  
13 United States Attorney's Office.

14 **4. Drug Offenses.** Defendant understands that by pleading guilty to a felony  
15 drug offense, Defendant will become ineligible for certain food stamp and Social  
16 Security benefits under Title 21, United States Code, Section 862a.

17 **5. Rights Waived by Pleading Guilty.** Defendant understands that by  
18 pleading guilty, he knowingly and voluntarily waives the following rights:

- 19 a. The right to plead not guilty and to persist in a plea of not guilty;  
20 b. The right to a speedy and public trial before a jury of his peers;  
21 c. The right to the effective assistance of counsel at trial, including, if  
22 Defendant could not afford an attorney, the right to have the Court  
23 appoint one for him;  
24 d. The right to be presumed innocent until guilt has been established  
25 beyond a reasonable doubt at trial;  
26 e. The right to confront and cross-examine witnesses against Defendant  
27 at trial;

- f. The right to compel or subpoena witnesses to appear on his behalf at trial;
- g. The right to testify or to remain silent at trial, at which trial such silence could not be used against Defendant; and
- h. The right to appeal a finding of guilt or any pretrial rulings.

6. **United States Sentencing Guidelines.** Defendant understands and acknowledges that, at sentencing, the Court must consider the sentencing range calculated under the United States Sentencing Guidelines, together with the other factors set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and circumstances of the offenses; (2) the history and characteristics of the defendant; (3) the need for the sentence to reflect the seriousness of the offenses, to promote respect for the law, and to provide just punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to criminal conduct; (5) the need for the sentence to protect the public from further crimes of the defendant; (6) the need to provide the defendant with educational and vocational training, medical care, or other correctional treatment in the most effective manner; (7) the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the need to avoid unwarranted sentence disparity among defendants involved in similar conduct who have similar records. Accordingly, Defendant understands and acknowledges that:

- a. The Court will determine his applicable Sentencing Guidelines range at the time of sentencing;
- b. After consideration of the Sentencing Guidelines and the factors in 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the maximum term authorized by law;
- c. The Court is not bound by any recommendation regarding the sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines range offered by the parties or the United States Probation Department, or by any stipulations or agreements between the parties in this Plea Agreement; and

1 d. Defendant may not withdraw a guilty plea solely because of the  
2 sentence imposed by the Court.

3 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or  
4 guaranteed what sentence the Court will impose.

5 8. **Statement of Facts.** Defendant admits he is guilty of the charged offenses.  
6 The parties agree on the following facts:

7 a. Prior to the events described below, the Defendant, Eric Christensen,  
8 had been convicted in the Western District of Washington of  
9 *Conspiracy to Manufacture Methamphetamine* under cause number  
10 CR04-354-JCC). On July 15, 2005, the Defendant was sentenced to  
11 100 months and five (5) years of supervised release. The Defendant  
12 commenced supervision July 8, 2011. In October of 2012, the  
13 Defendant absconded from supervision. At the time of the events  
14 below, there was an outstanding federal warrant for the Defendant's  
15 arrest.

16 b. On or about April 12, 2018, In Pierce County, Washington, the  
17 Defendant possessed 352 grams of methamphetamine, a controlled  
18 substance. The Defendant admits he possessed the  
19 methamphetamine with the intent to distribute it to others. The  
20 Defendant admits he possessed 50 grams or more of a mixture or  
21 substance containing a detectable amount of methamphetamine, its  
22 salts, isomers, or salts of its isomers

23 c. On or about April 12, 2018, In Pierce County, Washington, the  
24 Defendant possessed 215 grams of heroin, a controlled substance.  
25 The Defendant admits he possessed the heroin with the intent to  
26 distribute it to others. The Defendant admits he possessed 100  
27 hundred grams or more of a mixture or substance containing a  
detectable amount of heroin

d. The parties agree that the Court may consider additional facts  
contained in the Presentence Report (subject to standard objections  
by the parties) and/or that may be presented by the United States or  
Defendant at the time of sentencing, and that the factual statement  
contained herein is not intended to limit the facts that the parties may  
present to the Court at the time of sentencing.

1           **9. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,  
 2 the United States Attorney's Office for the Western District of Washington agrees not to  
 3 prosecute Defendant for any additional offenses known to it as of the time of this  
 4 Agreement that are based upon evidence in its possession at this time, and that arise out  
 5 of the conduct giving rise to this investigation. In this regard, Defendant recognizes the  
 6 United States has agreed not to prosecute all of the criminal charges the evidence  
 7 establishes were committed by Defendant solely because of the promises made by  
 8 Defendant in this Agreement. Defendant agrees, however, that for purposes of preparing  
 9 the Presentence Report, the United States Attorney's Office will provide the United  
 10 States Probation Office with evidence of all conduct committed by Defendant.

11           Defendant agrees that any charges to be dismissed before or at the time of  
 12 sentencing were substantially justified in light of the evidence available to the United  
 13 States, were not vexatious, frivolous or taken in bad faith, and do not provide a basis for  
 14 any future claims under the "Hyde Amendment," Pub.L.No. 105-119 (1997).

15           **10. Acceptance of Responsibility.** The United States acknowledges that if the  
 16 Defendant qualifies for an acceptance of responsibility adjustment pursuant to USSG §  
 17 3E1.1(a), his total offense level should be decreased by three (3) levels because he has  
 18 assisted the United States by timely notifying the authorities of Defendant's intention to  
 19 plead guilty, thereby permitting the United States to avoid preparing for trial and  
 20 permitting the Court to allocate its resources efficiently.

21           **11. Stipulation Regarding Recommendation for Sentence.** The parties to  
 22 agree to recommend a sentence as follows:

23           The parties will jointly recommend a sentence of 60 months (5 years).

24           The parties will jointly recommend that the Court impose a four (4) year term of  
 25 supervised release.

26           The Defendant understands that the Court may not impose a sentence below the  
 27 60-month mandatory minimum term and may impose any sentence up to the statutory  
 maximum.

**12. Resolution of Pending Supervised Release Violations (CR04-354-BHS).**

As part of this plea agreement, the Defendant agrees to admit to the supervised release violations 1 to 5 and 8 currently pending under cause number CR04-354-BHS, with all remaining violations to be dismissed.

The parties agree to jointly request that the Court impose a sentence of 21 months as a sanction for the supervised release violations under cause number CR04-354-BHS and that this time run concurrently with the sentence imposed under CR18-5411-BHS.

The parties agree to recommend that supervision be terminated under cause number CR04-354-BHS.

**13. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that if

Defendant breaches this Plea Agreement, the United States may withdraw from this Plea Agreement and Defendant may be prosecuted for all offenses for which the United States has evidence. Defendant agrees not to oppose any steps taken by the United States to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea Agreement. Defendant also agrees that if Defendant is in breach of this Plea Agreement, Defendant has waived any objection to the re-institution of any charges in the Indictment that were previously dismissed or any additional charges that had not been prosecuted.

Defendant further understands that if, after the date of this Agreement, Defendant should engage in illegal conduct, or conduct that is in violation of his conditions of confinement (examples of which include, but are not limited to: obstruction of justice, failure to appear for a court proceeding, criminal conduct while pending sentencing, and false statements to law enforcement agents, the Pretrial Services Officer, Probation Officer, or Court), the United States is free under this Agreement to file additional charges against Defendant or to seek a sentence that takes such conduct into consideration by requesting the Court to apply additional adjustments or enhancements in its Sentencing Guidelines calculations in order to increase the applicable advisory Guidelines range, and/or by seeking an upward departure or variance from the calculated advisory Guidelines range. Under these circumstances, the United States is free to seek



1 such adjustments, enhancements, departures, and/or variances even if otherwise  
2 precluded by the terms of the plea agreement.

3 **14. Waiver of Appellate Rights and Rights to Collateral Attacks.**

4 Defendant acknowledges that by entering the guilty plea(s) required by this plea  
5 agreement, Defendant waives all rights to appeal from his/her conviction and any pretrial  
6 rulings of the court. Defendant further agrees that, provided the court imposes a custodial  
7 sentence that is within or below the Sentencing Guidelines range (or the statutory  
8 mandatory minimum, if greater than the Guidelines range) as determined by the court at  
9 the time of sentencing, Defendant waives to the full extent of the law:

10 a. Any right conferred by Title 18, United States Code, Section 3742,  
11 to challenge, on direct appeal, the sentence imposed by the court,  
12 including any fine, restitution order, probation or supervised release  
13 conditions, or forfeiture order (if applicable); and

14 b. Any right to bring a motion under 28 U.S.C. § 2255 to vacate, set  
15 aside, or correct sentence, under 28 U.S.C. § 2241 to challenge the  
16 conviction or sentence, or any other collateral attack against the  
17 conviction and sentence, except as it relates to the ineffective  
18 assistance of counsel in the negotiation of this plea agreement, or the  
19 entry of the guilty plea(s) required by this agreement; and

20 If Defendant breaches this Plea Agreement at any time by appealing or collaterally  
21 attacking (except as to effectiveness of legal representation) the conviction or sentence in  
22 any way, the United States may prosecute Defendant for any counts, including those with  
23 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea  
24 Agreement.

25 **15. Forfeiture of Contraband.** Defendant also agrees and consents to the  
26 administrative forfeiture, official use, and/or destruction of any firearms or contraband  
27 seized by any law enforcement agency from the possession of Defendant, or that were in  
the direct or indirect control of Defendant.

**16. Statute of Limitations.** In the event this Agreement is not accepted by the  
Court for any reason, or Defendant has breached any of the terms of this Plea Agreement,



1 the statute of limitations shall be deemed to have been tolled from the date of the Plea  
2 Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea  
3 Agreement by the Court; or (2) thirty (30) days following the date on which a breach of  
4 the Plea Agreement by Defendant is discovered by the United States Attorney's Office.

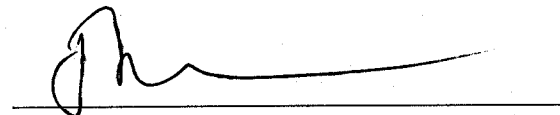
5 **17. Voluntariness of Plea.** Defendant agrees that Defendant has entered into  
6 this Plea Agreement freely and voluntarily and that no threats or promises, other than the  
7 promises contained in this Plea Agreement, were made to induce Defendant to enter this  
8 plea of guilty.

9 **18. Completeness of Agreement.** The United States and Defendant  
10 acknowledge that these terms constitute the entire Plea Agreement between the parties.  
11 This Agreement binds only the United States Attorney's Office for the Western District  
12 of Washington. It does not bind any other United States Attorney's Office or any other  
13 office or agency of the United States, or any state or local prosecutor.

14 DATED this 17<sup>th</sup> day of December 2018.

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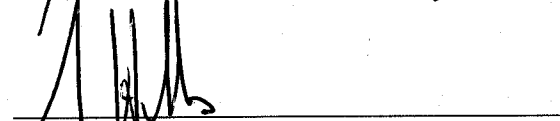
17 ERIC CHRISTENSEN  
18 Defendant

19  
20 

21 PHIL BRENNAN  
22 Attorney for Defendant

23  
24 

25 KATHERYN FRIERSON  
26 Assistant United States Attorney

27 

STEPHEN HOBBS  
Assistant United States Attorney